

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 23, 2004

DIVISION ONE

B168484 People (Not for Publication)
v.
Napoleon Ortega

The abstract of judgment is modified to reflect a total of 367 days of presentence custody credit, consisting of 125 actual days, 62 days of conduct credit, and 180 days previously served in county jail as a condition of probation, and the trial court is directed to forward a copy of the modified abstract to the Department of Corrections. As modified, the judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B172477 People (Not for Publication)
v.
Ramirez

The judgment is reversed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

September 23, 2004 (Continued)

DIVISION ONE (Continued)\

B167352 People v. Vasquez (Not for Publication)

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B173239 People (Not for Publication)
v.
Ford

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B173467 Los Angeles County, D.C.S. (Not for Publication)
v.
T. Peter G.

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

September 23, 2004 (Continued)

DIVISION ONE (Continued)

B176939 Weller (Not for Publication)

V.
Superior Court, Los Angeles County
(Los Angeles Times, r.p.i.)

The Court:

Therefore, let a peremptory writ of mandate issue, commanding respondent superior court to vacate its orders of July 15, 2004, and July 30, 2004, ordering distribution of portions of the MAIT report, and to issue a new and different order granting the protective order requested by petitioner in Los Angeles Superior Court case No. SC080283 and related cases. The temporary stay order is hereby terminated. All parties shall bear their own costs.

B159513 Coe
v.
City of Los Angeles et al.
Department of Social Services

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

Court convened at 9:00 AM

Present: Boren, P.J., Nott, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B171176 People v. Weathington
B170679 People v. Emmanuel V.
B168574 People v. Tyndall

Argument waived, cause submitted.

DIVISION TWO (Continued)

B166296 Nevarez et al.
 v.
 Chase Manhattan Bank et al.

Merits:
Argued by Bruce Gelber for appellants and by Jonathan Fink for respondents. Cause submitted.

B172557 Horn
 v.
 Monrovia Family Restaurant et al.

Merits:
Argued by Bruce Gelber for appellant and by Frederick DeLisio for respondents. Cause submitted.

B166899 Bufano
 v.
 State Farm Insurance

Merits:
Argued by Suzanne Rand-Lewis for appellant and by Barry Levy for respondent. Cause submitted.

B172078 Gorwin v. Schmidt

Merits:
Argued by Dennis Gorwin for appellant and by Lauren Linde for respondent. Cause submitted.

B172815 Harkey
 v.
 Don Cornelius Productions et al.

Merits:
Argued by Nelson Atkins for appellant and by Stephen Moeller for appellants. Cause submitted.

September 23, 2004 (Continued)

DIVISION TWO (Continued)

Court in recess until 11:30 a.m.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Nott, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B166919 People v. McGuire
B168824 People v. Johnson

Argument waived, cause submitted.

B169010 Vongyai
 v.
 McGraw

Merits:
Argued by David Romley for appellant and by Barbara Haug for
respondent. Cause submitted.

B172373 In re: R.B. Jr.
 v.
 Department Of Children and Family Services
 R.B. Sr.

Merits:
Argued by Lisa DiGrazai for appellant and by David Alaynick for Minor
and by Aleen Langton for respondent. Cause submitted.

B170271 People
 v.
 Garner

Merits:
Argued by Thomas Ono for appellant and by Ana Duarte for respondent.
Cause submitted.

September 23, 2004 (Continued)

DIVISION TWO (Continued)

B168463 Luis B. et al.
v.
Alberto L. Jr.

Merits:
Argued by Loretta Selinger for appellant. Argument waived by Ronald Faulk for respondents. Cause submitted.

B166695 Stewart et al.
v.
Four Seasons Coach Leasing et al.

Merits:
Argued by Julius Grush for appellants and by Kara Pape for respondents.
Cause submitted.

B168898 Tobin
v.
Noriega

Merits:
Argued by Robert Noriega for appellant. Argument waived by respondent Zane Tobin. Cause submitted.

Court adjourned

DIVISION THREE

B171241 People (Not for Publication)
v.
Villagrana

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

September 23, 2004 (Continued)

DIVISION THREE (Continued)

[illegible]

The judgment is modified to reflect a parole revocation fine and a restitution fine each in the amount of \$5,000, and, as so modified, the judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

B170963 Neighborhood Family Care Centers (Not for Publication)
v.
Age of Aquarium, Inc.

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Grimes, J. (Assigned)

B167564 Singer (Not for Publication)
v.
Singer

The challenged order is affirmed.

Curry, J.

We concur: Hastings, Acting P.J.
Grimes, J. (Assigned)

DIVISION FOUR (Continued)

B169815 People v. Mallory (Not for Publication)
B174734 In re Mallory on Habeas Corpus

The judgment is reversed and remanded for resentencing in accordance with the views set forth in this opinion. In all other respects, the judgment is affirmed. The petition for writ of habeas corpus is denied.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

B174295 People (Not for Publication)
 v.
 Darcey

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION FIVE

B164657 Anton Krajewski (Not for Publication)
 v.
 Herbert Hafif

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

September 23, 2004 (Continued)

DIVISION SIX

[illegible]

The order is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B170198 Navarro (Certified for Publication)
v.
Perron

The judgment is reversed with instructions to order the property sold, the proceeds applied to pay the obligations of the partnership and any surplus distributed to the partners in cash. Costs on appeal are awarded to Navarro.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B167141 People (Not for Publication)
v.
Rowans

Accordingly, the judgment and order of commitment are affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

September 23, 2004 (Continued)

DIVISION SIX (Continued)

[illegible]

We order the trial court to correct the abstract of judgment to reflect that restitution in the amount of \$13,334 be paid to the Victim Compensation Board. IN all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B143501 People (Not for Publication)
v.
Stanistreet & Atkinson

The judgments convicting Stanistreet and Atkinson of violating section 148.6 are affirmed. The portions of the judgments convicting them of violating section 148.5 are reversed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B168100 People (Not for Publication)
v.
Valencia

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SIX (Continued)

B170730 Safeco Insurance Companies of American
 v.
 Parks

Filed order modifying opinion, denying petition for rehearing (no change in the judgment) and certifying opinion for publication.

DIVISION EIGHT

B170916 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Gabriel V.

The order is affirmed.

Flier, J.

We concur: Cooper, P.J.
 Rubin, J.

B166370 People (Not for Publication)
 v.
 Jackson

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
 Boland, J.

September 23, 2004 (Continued)

DIVISION EIGHT (Continued)

B168546 Martin et al. (Not for Publication)
 v.
 County of Los Angeles et al.

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.